

**State Historic Preservation Review Board Meeting
Montana Historical Society, Helena, Montana
January 14, 2009
Minutes**

Board Members Present: Tim Light, Rebecca Hanna, Donna Coate, Rosalyn La Pier, Jon Axline, Lesley Gilmore, Miki Wilde, Donald Matlock, Robert Valach

State Historic Preservation Office (SHPO) Staff: Mark Baumler, John Boughton

Guests: Elaine Hale, Linda C. Mazzie, C. Milo McLeod.

Call to Order: Chair Robert Valach called the meeting to order at 1:05 p.m. Mr. Valach read the board mission statement. He welcomed the two new board members, Jon Axline and Lesley Gilmore, then asked for introduction of those present.

SHPO Preservation News: John Boughton presented recently listed properties including those that were previously approved by the board. These included the Lake McDonald Lodge Coffee Shop and Wheeler Camp (Boundary Increase) in Glacier National Park, the Chicken Creek Farmstead Historic District in Park County, the L & L Building and the Oliver Building in Billings, and the Naylor Brother's Ranch Historic District in Fergus County. Mr. Boughton mentioned that the late listing for the Naylor Brother's Ranch precluded it from being part of the 2009 Montana Historic Preservation Awards Ceremony to be held later that night; it would be included with the future 2011 Awards Ceremony.

Mr. Boughton also mentioned that two new national Historic Landmarks were designated on October 6, 2008. These are the Rosebud Battlefield (Where the Girl Saved Her Brother) in Big Horn County and the Wolf Mountains Battlefield (Where Big Crow Walked back and Forth) in Rosebud County.

The monetary breakdown for the Preserve America III Grant was discussed. Six communities were allocated money to conduct research and documentation (survey and inventory) from the grant. Great Falls received \$10,000, Billings Old Town Historic District received \$11,750, Kalispell Main Street Historic District Expansion was awarded \$12,500, Missoula received \$23,342 for multiple inventory projects, the Butte Historic South Central re-inventory was awarded \$25,000 and the Laurel Downtown Historic District received \$14,818.

Mr. Boughton mentioned that the SHPO Federal Fiscal Year 2008 Annual Report of Activities (October 1, 2007 to September 30, 2008) and the Proposed Fiscal Year 2009 Activities reports were completed and copies included in the Board's meeting packets. The FY2008 would soon be available on-line. Dr. Baumler briefly discussed these two reports and welcomed input from the Board.

Mr. Boughton then raised the possibility of planning dates and locations for the next two upcoming Review Board meetings. The Billings/Red Lodge area was suggested for the early June meeting (June 5 and 6), and Lewistown was suggested for the autumn meeting. The BLM has offered to host the autumn meeting. Mr. Boughton asked the Board to think about these dates/places to discuss further during New Business.

The final item discussed by Mr. Boughton was the upcoming 2009 Biennial Historic Preservation Awards Ceremony to be held later in the evening. A break-down of the night's agenda was presented which included awarding the National Register listed property certificates, the recognition of the outgoing Review Board members and the presentation of four Preservation Awards. The Preservation Awards are to be presented to the Northern Cheyenne Rosebud and Wolf Mountains Battlefields Preservation Committee for Outstanding Preservation Advocacy, the Judith Theater in Lewistown for Outstanding Preservation Rehabilitation Project, Mitzi Rossillon of Butte for Outstanding Preservation Career, and the Rialto Theater Restoration Project in Deer Lodge (Governor's Award) for Outstanding Local Preservation Project.

The meeting was turned back to Bob Valach who asked to begin the consideration of nominations. Mr. Boughton introduced Elaine Hale, Cultural Resource Specialist/Archaeologist of Yellowstone National Park.

Consideration of Nominations:

1) Red Lodge-Cooke City Approach Road Historic District (the Beartooth Highway), Park County, Montana and Park County, Wyoming

Elaine Hale of Yellowstone National Park presented the nomination to the board. Ms. Hale reviewed the nomination using a PowerPoint presentation highlighting numerous aspects and views of the highway and surrounding area. Ms. Hale mentioned that the Wyoming Review Board suggested the exclusion of non-contributing features and only include contributing features when possible. Segments 1 and 5 of the highway are the portions that are in Montana; Segments 6 and 7 (also in Montana) are non-contributing and not part of the nomination. The property is nominated under Criterion A and C.

Ms. Hale noted that the Integrity of Setting is virtually unchanged since the construction of the highway and there is a strong continuity of land use; the views and vistas are unchanged. Although the road has been widened in different locations, it still retains Integrity of Design for the road as a whole.

Ms. Gilmore inquired if the "1958" termination date of significance is arbitrary as it appears that the period of significance is ongoing. The end date is arbitrary (50 years) as a criteria exception for resources less than 50 years is not pursued in the nomination. The Board also suggested that the second identified period of significance (1938-1958) should be dropped from the nomination as there is insufficient information presented about the resources during this period.

Ms. Gilmore mentioned that the Statement of Significance will have to be modified in the nomination to include the Level of Significance, which also needs to be indicated on the cover form. Ms. Gilmore also wished that a description of the extent of work done to modify the gradient during the construction be included in the historical narrative.

Ms. Gilmore asked that if the later period of significance was dropped from the nomination, would the Beartooth maintenance road camps also need to be removed? Ms. Hale replied that would not be the case as the more recent Park Service buildings and structures are identified as non-contributing while the other buildings are contributing to the earlier period of significance.

Mr. Matlock wondered why associated resources like the Top-of-the-World Store are not considered as contributing elements. Mr. Light further suggested that maybe there should be a discussion of the campgrounds which developed in conjunction with the road. Ms. Hale and the Board discussed these relationships and reached understanding that the nomination context and period of significance is limited to the construction of the road proper and that other associated resources were not to be considered at this time.

Ms. Wilde wondered if there was any evidence of the Yellowstone eruptions. Ms. Hale replied that the area was glacial and not volcanic so there was no evidence.

Ms. Wilde also noted that the nomination form needs to be updated to reflect repair work had been completed following the landslides that had occurred recently in Montana on Section 5 and what the result was.

Ms. La Pier requested that the background description of the area being Crow Territory be clarified to say what rights were ceded or not ceded. If there were no ceded rights then the nomination should reflect this. Ms. La Pier indicated she wished to see more clarification on the histories of tribal ownership of lands and jurisdiction for nominations in general.

Dr. Baumler inquired about the ownership, which was not indicated on the nomination and would need to be. Is this federal land and therefore a federal nomination? If so, he recommended to the Board that they suggest their comments and indicate their support or non-support of the nomination, but technically, their approval is not necessary for the nomination to go forward. Ms. Hale responded that the nomination is being presented as such, but what Dr. Baumler had asked was a good point. Mr. Axline interjected that in Montana the state owns the right-of-way but the real issue is who owns the road? Ms. Hale described the legal origins of the road are attributed to a federal program that no longer exists. Mr. Matlock stated that the road appears to be owned by the Federal government but the agency ownership is really unknown.

Dr. Baumler and Ms. Hale noted that both Wyoming and Montana SHPOs supported the eligibility of the Beartooth Highway and the preparation of this nomination within the context of a signed Section 106 Programmatic Agreement (PA) for dealing with road and bridge modifications that are proposed in the Wyoming segments. They further observed

that while the National Park Service (NPS) currently takes responsibility to maintain and open the highway in Wyoming, NPS was probably not to be considered one of the federal owners. Nonetheless, the PA stipulated that the Yellowstone National Park would take responsibility for advancing the nomination once it was prepared. After consulting National Register 36CFR60 and considering that the state probably owned some or all of the right of way within the boundary in Montana, if not the road, Dr. Baumler made a modified recommendation to the Board that the nomination as presented is probably a joint State-Federal nomination and that the Review Board should vote to either approve or disapprove of forwarding it to the Keeper as usual, with the minutes serving as comments. If approved, Yellowstone National Park would then hopefully be in a position to move ahead with editing and forwarding the nomination to the Keeper with concurring party signatures from the MT and WY SHPO.

Mr. Matlock motioned that the nomination, with the discussed edits, be forwarded to the Keeper. Ms. Gilmore seconded the motion. Jon Axline (Montana Department of Transportation employee) abstained. The motion was passed unanimously.

Public Comment: None

New Business: Mr. Valach moved to the issue of new business, beginning with the approval of minutes from the October 4, 2008 Board meeting in Havre. Mr. Light motioned to accept the minutes and Ms. Wilde seconded the motion which was passed unanimously.

The Board next discussed the location and time of the next Review Board meeting. It was decided to hold the meeting in the Billings/Red Lodge area on June 5 and 6, 2009.

The meeting was adjourned at 3:00.